

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-04433-VSB**

NAACP Legal Defense & Educational Fund, Inc. v. U.S.
Department of Education
Assigned to: Judge Vernon S. Broderick
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NAACP Legal Defense & Educational Fund, Inc.

represented by **Aaron Ross Sussman**
Naacp Legal Defense & Educational Fund, Inc.
40 Rector St.
New York, NY 10006
(212)–965–2200
Email: asussman@naacpldf.org
ATTORNEY TO BE NOTICED

Ajmel Quereshi
Naacp Legal Defense and Educational Fund, Inc.
1444 I Street, Nw 10th Floor
Washington, DC 20005
(202) 682–1300
Fax: (202) 682–1312
Email: aquereshi@naacpldf.org
ATTORNEY TO BE NOTICED

Samuel Spital
NAACP Legal Defense & Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
212–965–2200
Fax: 212–226–7592
Email: SSpital@naacpldf.org
ATTORNEY TO BE NOTICED

Jin Hee Lee
NAACP Legal Defense & Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
(212)965–2200
Fax: (212)219–7592
Email: jlee@naacpldf.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Education

represented by **Rebecca Sol Tinio**
U.S. Attorney's Office, SDNY
86 Chambers Street, 3rd Floor
New York, NY 10007
(212) 637–2774
Fax: (212) 637–2702
Email: rebecca.tinio@usdoj.gov
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2018	<u>1</u>	COMPLAINT against U.S. Department of Education. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Attachments: # <u>1</u> Exhibit A – Quereshi Decl., # <u>2</u> Exhibit B – OCR Request, # <u>3</u> Exhibit C – July 18 2017 Email, # <u>4</u> Exhibit D – July 20 2017 Email, # <u>5</u> Exhibit E – July 31 2017 Email, # <u>6</u> Exhibit F – July 26 2017 Email, # <u>7</u> Exhibit G – July 31 2017 Email, # <u>8</u> Exhibit H – July 31 2017 Email, # <u>9</u> Exhibit I – Aug. 3 2017 Email, # <u>10</u> Exhibit J – Aug. 4 2017 Email, # <u>11</u> Exhibit K – Aug. 4 2017 Email, # <u>12</u> Exhibit L – Aug. 9 2017 Email, # <u>13</u> Exhibit M – Aug. 9 2017 Email, # <u>14</u> Exhibit N – Aug. 10 2017 Email, # <u>15</u> Exhibit O – Sept. 20 2017 Email, # <u>16</u> Exhibit P – Oct. 10 2017 Email, # <u>17</u> Exhibit Q – Nov. 14 2017 Email, # <u>18</u> Exhibit R – Nov. 21 2017 Email, # <u>19</u> Exhibit S – Dec. 12 2017 Email, # <u>20</u> Exhibit T – Dec. 13 2017 Email, # <u>21</u> Exhibit U – Jan. 8 2018 Email, # <u>22</u> Exhibit V – DOE Fee Waiver Letter, # <u>23</u> Exhibit W – Jan. 18 2018 Email, # <u>24</u> Exhibit X – Jan. 23 2018 Email)(Lee, Jin Hee) (Entered: 05/18/2018)
05/18/2018	<u>2</u>	CIVIL COVER SHEET filed. (Lee, Jin Hee) (Entered: 05/18/2018)
05/18/2018	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Education, re: <u>1</u> Complaint,.... Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Lee, Jin Hee) (Entered: 05/18/2018)
05/18/2018	<u>4</u>	NOTICE OF APPEARANCE by Jin Hee Lee on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Lee, Jin Hee) (Entered: 05/18/2018)
05/18/2018	<u>5</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Lee, Jin Hee) (Entered: 05/18/2018)
05/18/2018	<u>6</u>	NOTICE OF APPEARANCE by Samuel Spital on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Spital, Samuel) (Entered: 05/18/2018)
05/21/2018		Civil Case Opening Fee Paid electronically via Pay.gov: for <u>1</u> Complaint. Filing fee \$ 400.00. Pay.gov receipt number 0208-15086970, paid on 05/18/2018. (pne) (Entered: 05/21/2018)
05/21/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Vernon S. Broderick. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 05/21/2018)
05/21/2018		Magistrate Judge Sarah Netburn is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 05/21/2018)
05/21/2018		Case Designated ECF. (pne) (Entered: 05/21/2018)
05/21/2018	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Education. (pne) (Entered: 05/21/2018)
05/22/2018	<u>8</u>	MOTION for Ajmel Quereshi to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15099164. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Attachments: # <u>1</u> Affidavit of Ajmel Quereshi, # <u>2</u> Cert of Good Standing – DC Ct. App., # <u>3</u> Cert of Good Standing – Md. Ct. App., # <u>4</u> Cert of Good Standing – NY Ct. App., # <u>5</u> Text of Proposed Order)(Quereshi, Ajmel) (Entered: 05/22/2018)
05/22/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>8</u> MOTION for Ajmel Quereshi to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15099164. Motion and supporting papers to be reviewed by

		Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 05/22/2018)
05/29/2018	<u>9</u>	MOTION for Ajmel Quereshi to Appear Pro Hac Vice CORRECTED . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Attachments: # <u>1</u> Affidavit of Ajmel Quereshi, # <u>2</u> Cert of Good Standing – DC Ct. App, # <u>3</u> Cert of Good Standing – Md. Ct. App., # <u>4</u> Cert of Good Standing – NY Ct. App., # <u>5</u> Text of Proposed Order)(Quereshi, Ajmel) (Entered: 05/29/2018)
05/29/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>9</u> MOTION for Ajmel Quereshi to Appear Pro Hac Vice CORRECTED. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 05/29/2018)
05/29/2018	<u>10</u>	ORDER granting <u>9</u> Motion for Ajmel Quereshi to Appear Pro Hac Vice (HEREBY ORDERED by Judge Vernon S. Broderick)(Text Only Order) (Broderick, Vernon) (Entered: 05/29/2018)
06/07/2018	<u>11</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,,, served. U.S. Department of Education served on 5/21/2018, answer due 6/20/2018. Service was accepted by Haojun Li, Clerk, U.S. Attorney for Southern District of New York. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Lee, Jin Hee) (Entered: 06/07/2018)
06/07/2018	<u>12</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,,, served. U.S. Department of Education served on 5/23/2018, answer due 6/22/2018. Service was accepted by Desire Brown Authorized Agent for U.S. Department of Justice. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Lee, Jin Hee) (Entered: 06/07/2018)
06/07/2018	<u>13</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,,, served. Service was accepted by June Canada, Authorized Agent, U.S. Department of Education. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Lee, Jin Hee) (Entered: 06/07/2018)
06/15/2018	<u>14</u>	NOTICE OF APPEARANCE by Rebecca Sol Tinio on behalf of U.S. Department of Education. (Tinio, Rebecca) (Entered: 06/15/2018)
06/18/2018	<u>15</u>	LETTER MOTION for Extension of Time addressed to Judge Vernon S. Broderick from Rebecca S. Tinio dated June 18, 2018. Document filed by U.S. Department of Education.(Tinio, Rebecca) (Entered: 06/18/2018)
06/19/2018	<u>16</u>	ORDER granting <u>15</u> Letter Motion for Extension of Time. APPLICATION GRANTED. SO ORDERED. (Signed by Judge Vernon S. Broderick on 6/19/2018) (rro) (Entered: 06/19/2018)
06/19/2018		Set/Reset Deadlines: U.S. Department of Education answer due 7/23/2018. (rro) (Entered: 06/19/2018)
07/20/2018	<u>17</u>	LETTER MOTION for Extension of Time to File Answer addressed to Judge Vernon S. Broderick from Rebecca S. Tinio dated July 20, 2018. Document filed by U.S. Department of Education.(Tinio, Rebecca) (Entered: 07/20/2018)
07/24/2018	<u>18</u>	ORDER granting <u>17</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. APPLICATION GRANTED. SO ORDERED. (U.S. Department of Education answer due 7/25/2018) (Signed by Judge Vernon S. Broderick on 7/24/2018) (rro) (Entered: 07/24/2018)
07/25/2018	<u>19</u>	ANSWER to <u>1</u> Complaint,„,. Document filed by U.S. Department of Education.(Tinio, Rebecca) (Entered: 07/25/2018)
09/18/2018	<u>20</u>	ORDER AND NOTICE OF INITIAL CONFERENCE: Initial Conference set for 10/19/2018 at 10:30 AM in Courtroom 518, 40 Centre Street, New York, NY 10007 before Judge Vernon S. Broderick; and further set forth in this Order. (Signed by Judge Vernon S. Broderick on 9/18/2018) (rro) (Entered: 09/18/2018)

10/12/2018	<u>21</u>	LETTER addressed to Judge Vernon S. Broderick from Rebecca S. Tinio dated October 12, 2018 re: Joint Case Summary, Request to Endorse Deadlines, and Request to Adjourn Initial Conference to a Set Date. Document filed by U.S. Department of Education.(Tinio, Rebecca) (Entered: 10/12/2018)
10/18/2018	<u>22</u>	MEMO ENDORSEMENT on re: <u>21</u> Letter, filed by U.S. Department of Education ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. The parties' proposed deadlines in their letter, (Doc. 21, at 2), are so ordered. The initial pre-trial conference scheduled for October 19, 2018 is adjourned until February 28, 2019 at 10:30 a.m. (Initial Conference set for 2/28/2019 at 10:30 AM before Judge Vernon S. Broderick.) (Signed by Judge Vernon S. Broderick on 10/18/2018) (rro) Modified on 10/19/2018 (rro). (Entered: 10/18/2018)
12/07/2018	<u>23</u>	NOTICE OF APPEARANCE by Aaron Ross Sussman on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Sussman, Aaron) (Entered: 12/07/2018)
12/27/2018	<u>24</u>	STANDING ORDER M10-468 The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (ks) (Entered: 01/02/2019)
12/27/2018		Case Stayed (rro) (Entered: 01/14/2019)
02/15/2019	<u>25</u>	LETTER addressed to Judge Vernon S. Broderick from Rebecca S. Tinio dated February 15, 2019 re: Status Report and Request for Leave to Submit Further Status Report. Document filed by U.S. Department of Education.(Tinio, Rebecca) (Entered: 02/15/2019)
02/15/2019	<u>26</u>	MEMO ENDORSEMENT on re: <u>25</u> Letter filed by U.S. Department of Education. ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. The initial pretrial conference scheduled for February 28, 2019, is adjourned until May 17, 2019, at 11:00 A.M. (Initial Conference set for 5/17/2019 at 11:00 AM before Judge Vernon S. Broderick.) (Signed by Judge Vernon S. Broderick on 2/15/2019) (rro) (Entered: 02/15/2019)
05/15/2019	<u>27</u>	LETTER addressed to Judge Vernon S. Broderick from Rebecca S. Tinio dated May 15, 2019 re: Status Report and Request for Leave to File Further Status Report. Document filed by U.S. Department of Education.(Tinio, Rebecca) (Entered: 05/15/2019)